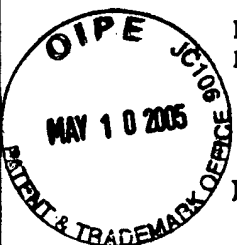


Declaration of Orion Jankowski, Ph.D.  
Reply to Office Action of February 9, 2005

Client No. S02-291



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Paul A. Wender et al.

Confirmation No.: 1195

Serial No.: 10/757,810

Group Art Unit: 1625

Filing Date: January 13, 2004

Examiner: Ba K. TRINH

Title: APOPTOLIDIN ANALOGS AND DERIVATIVES FOR INDUCING APOPTOSIS IN TRANSFORMED CELLS

DECLARATION UNDER 37 C.F.R. § 1.131  
OF INVENTOR PAUL A. WENDER, PH.D.

I, Paul A. Wender, declare:

1. I am an inventor of the subject matter claimed in the instant U.S. patent application.
2. I am currently a professor at Stanford University in the Department of Chemistry. Stanford University is the assignee of the subject patent application. I invented the subject matter of the instant application with my co-inventors, Dr. Jankowski and Dr. Tabet during their time as graduate students in my laboratory at Stanford University.
3. I have read the Office Action dated February 9, 2005, and understand its contents. In particular, I understand that the Examiner is asserting that the claimed invention is not novel over Pennington et al., ORGANIC LETTERS 4(22):3823-3825 (2002). I also understand that under U.S. Patent Law, a reference that predates the filing date of a patent application by less than one year may be antedated with proof of prior invention.
4. I have read the Declaration of Orion Jankowski, Ph.D. and I have seen the unredacted page of the laboratory notebook referenced therein and I am in full agreement with the representations made by Dr. Jankowski in his Declaration.
5. All statements made herein of my own knowledge or on information and belief are made with the knowledge that willful false statements are punishable under 18 U.S.C. § 1001 and may jeopardize the validity of the application or any patent issuing thereon.

Dated: 4/25/05By: Paul A. Wender  
Paul A. Wender, Ph.D.